APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control ____ Department or Agency Secretary of State
Rule No. 820-4-2-.07
Rule Title: Miscellaneous
___New _X_Amend ___Repeal ___Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	Yes
Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?	Yes
Is there another, less restrictive method of regulation available that could adequately protect the public?	No
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	No
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	N/A
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes

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Does the proposed rule have an economic impact?	No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Date Feby 17, 2016

REC'D & FILED

FEB 17 2016

(DATE FILED)(STAMP)

John H. Merrill
Secretary of State

LEGISLATIVE REF SERVICE

APA-2
11/96

OFFICE OF THE SECRETARY OF STATE
SECURITY INTERESTS DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Office of the Secretary of State

RULE NO. & TITLE: 820-4-2-.07 Miscellaneous

INTENDED ACTION: Amend existing rule

SUBSTANCE OF PROPOSED ACTION: This proposed amendment to the rule codifies the established practice of the Secretary of State's Office regarding the access fee for electronic farm product transactions.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views may be presented orally or in writing and should be addressed to Jean Brown, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36103; (334)242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

April 4, 2016

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334)242-7202.

John H. Merrill
Secretary of State

820-4-2-.07 Miscellaneous.

(1) "Existence Of Debt." A debt need not exist at the time of filing of an effective financing statement.

(2) "Incorporation By Reference." The Secretary of State incorporates by reference, as the federal law generates this central filing system, in its entirety 9 CFR Part 205 entitled "Protection for Purchasers of Farm Products," which is developed by the Secretary of Agriculture to fulfill the Secretary's responsibility under Section 1324 of the Food Security Act of 1985, PL 99-198. Copies of this document may be obtained without charge from the Secretary of State's Office, ~~U.C.C.~~ Business Services Division, Room ~~200~~119, Alabama State House, 11 South Union Street, Montgomery, Alabama 36130.

(3) "Failure To Register." Not registering with the Secretary of State has the effect of making such persons, whether they are inside or outside the State of Alabama covered by this system, subject to security interests shown on the system's master list, whether or not such persons know about them, so that such persons for their own protection will need to query the system operator about any seller with whom they deal and who is engaged in farming operations relating to the production of a farm product in the State of Alabama and covered by the system.

(4) "Certified Copies." Requests for certified copies of effective financing statements must be received in a manner consistent with Code of Alabama 1975, section 7-9A-523, ~~Code of Ala. 1975~~ and be accompanied by a fee of 5.00 for the certification and $1.00 per page for the copies as provided in Code of Alabama 1975, section 36-14-3~~, Code of Ala. 1975~~.

In keeping with established practice, all electronic farm product transactions will be charged an access fee of $9.75 per transaction in addition to any applicable contract provider convenience fee.

Said fees shall be in addition to any statutory filing, information request, and copy fees set forth in Code of Alabama 1975, section 7-9A-525.

(5) "No Retroactive Lists." New effective financing statement filings only appear in the latest edition of the Master List or portions thereof or its update if the filing is not terminated or lapses.

(6) "Distribution Not By First Class Mail." Registrants requiring master lists or portions thereof, written confirmation of oral communications under Rule 820-4-2-.05(9), or an acknowledgment under 820-4-2-.04(2), ~~these rules,~~ by other means than first class mail are to pay the additional delivery charges for such expedited service.

(7) "Forms." Pursuant to Code of Alabama 1975, section 7-9A-~~307~~320, ~~Code of Ala. 1975,~~ the Secretary of State may prescribe and from time to time modify forms approved for use in the Central Filing System. Copies of these rules and samples of these forms may be obtained from the Secretary of State.

Authors: Valeria Harman, Charles E. Grainger, Jr., Jean Brown

Statutory Authority: Code of Alabama 1975, sections ~~7-9-307, 7-9-407~~, 7-9A-320, 7-9A-523, and 7-9A-320(j).

History: New Rule: January 10, 2001; effective February 14, 2001. **Amended:** Filed January 9, 2003; effective February 13, 2003. **Amended:** Filed February 17, 2016.